

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

CRISSY JYNTENE STEWART, on behalf))	
of C.B.H., minor child,)	
)	
Plaintiff,)	No. 0:19-cv-00252-DCN
)	
vs.)	ORDER
)	
ANDREW SAUL, ¹ Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the court on United States Magistrate Judge Paige J. Gossett’s Report and Recommendation (“R&R”) that this court reverse and remand Acting Commissioner of Social Security Administration Andrew Saul’s (“the Commissioner”) decision denying plaintiff C.B.H.’s application for supplemental security income (“SSI”). The Commissioner filed an objection to the R&R. ECF No. 24.

The Commissioner does not object to the recommendation that this case be reversed and remanded; therefore, the court dispenses with a discussion of the substance of this matter. Instead, the Commissioner’s objection is procedural. The R&R concludes by reversing and remanding the Commissioner’s decision and stating that “the court is mindful of the length of this process to date, and therefore recommends that the Commissioner be directed to expedite reconsideration of this matter on remand.” ECF No. 23 at 10. The Commissioner objects to the expedition recommendation, arguing that

¹ Andrew Saul is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Andrew Saul is automatically substituted for Nancy A. Berryhill, former Commissioner, as the defendant in this lawsuit.

this case should proceed in due order and consistent with the regulations. The regulations require that a claimant to be served notice of the hearing before the ALJ at least 75 days prior to the hearing. 20 C.F.R. § 404.938(a).

This court is charged with conducting a de novo review of any portion of the Magistrate Judge's R&R to which specific, written objections are made. 28 U.S.C. § 636(b)(1). The court agrees with the government that the scheduling of the hearing must comply with the regulations, but the court shares the magistrate judge's concern regarding additional delay in this matter. Therefore, the court adopts the R&R with the following modification: the case shall be reversed and remanded to the Commissioner for further consideration, and the court directs that an administrative hearing be held in this matter within 120 days of this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', is written over a horizontal line.

**DAVID C. NORTON
UNITED STATES DISTRICT JUDGE**

**February 3, 2020
Charleston, South Carolina**